

## REMARKS

Applicants present a complete listing of the pending claims for the convenience of the Examiner.

### **I. Claims**

Applicant thanks the Examiner for the telephone interview with Applicant's representative on August 24, 2007. As discussed in the interview, the claims that were examined with respect to the outstanding Office Action do not correspond to the claims presently pending in this application, as submitted with Applicant's communication of May 16, 2007. Applicant hereby requests, therefore, that the Examiner search and examine the presently pending claims, a copy of which is attached for the Examiner's convenience. As indicated in Applicant's above-noted communication, claims 35, 41, 43, and 45 to 80 are currently pending, and support for these claims can be found throughout the specification as filed, as previously noted. Claims 1-34, 36-40, 42 and 44 have been cancelled without prejudice or disclaimer.

#### **A. Election**

The Examiner has stated in the Office Action that Applicant elected, with traverse, Group I, claims 1, 25-30 and 36-39. Applicant respectfully directs the Examiner's attention to the Restriction Requirement issued February 27, 2007, in respect of this application, which clearly indicates that claims 1 and 25-44 were subject to the restriction requirement and that Group I consisted of claims 1, 25-30 and 35-42. Applicant also respectfully directs the Examiner's attention to Applicant's communication of May 16, 2007, in which Applicant elected, with traverse, Group I consisting of claims 1, 25-30 and 35-42. Accordingly, Applicant submits that that pending claims 35 and 41 belong to elected Group I and that, as outlined in Applicant's previous communication, pending claims 42 and 45-80 are directed to formulations comprising the extracts and methods of using the extracts and should, therefore, be examined with elected Group I.

### **II. Remarks**

In the outstanding Office Action, the Examiner has rejected claims 1, 25-30, and 36-39 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner alleged that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. As indicated above, claims 1, 25-30, and 36-39 were cancelled in

Applicant's communication of May 16, 2007. Thus, Applicant asserts that this rejection is moot.

The Examiner also rejected claims 1, 25-30, and 36-39 under 35 U.S.C. 102(b) as being anticipated by Gross. The Examiner alleged that all the features of the claims are taught by Gross for the same function as claimed. As noted above, claims 1, 25-30, and 36-39 were cancelled in Applicant's communication of May 16, 2007, thus rendering this rejection moot.

The Examiner rejected claims 1, 25-30, and 36-39 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Again, Applicant notes that claims 1, 25-30, and 36-39 were cancelled in Applicant's communication of May 16, 2007, and that this rejection is thus also rendered moot.

The Examiner objected to the title of the invention, alleging that it is not descriptive, and that a new title is required that is clearly indicative of the invention to which the claims are directed. Applicant respectfully traverses this objection. Applicant notes that the title of the invention is "Plant Extracts for Treatment of Angiogenesis and Metastasis." Applicant further notes that the subject matter of the pending claims is directed to formulations of plant extracts (pending claims 35, 41, 43, and 45-53) and methods of using same to inhibit cell migration (pending claims 54-60), to inhibit angiogenesis in a subject (pending claims 61-70), or to inhibit metastasis of cancer cells in a subject (pending claims 70-80). Thus, Applicant asserts that the title of the invention is, therefore, clearly indicative of the invention to which the claims are directed.

The Examiner objected to the abstract of the disclosure alleging that it is not directed to the elected invention, and indicated that correction is required, referring to MPEP §608.01(b). Applicant respectfully traverses this objection. Applicant notes that the "Guidelines for the Preparation of Patent Abstracts" relating to the content of a patent abstract in MPEP §608.01(b) state that "A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure." MPEP §608.01(b) thus indicates that an abstract describe the technical disclosure of an application, and does not require that an abstract be directed to an elected invention. Applicant asserts that the abstract of the disclosure, currently on file, is a concise statement of the entire technical disclosure of the patent application and, as such, no correction of the abstract is required. The Applicant, therefore, respectfully requests that the Examiner withdraw this objection.

## CONCLUSION

Consideration of the claims in view of the above remarks and allowance of all claims is respectfully requested.

The Commissioner is authorized to charge fees for extension of time, and any additional fees which may be required, including petition fees and extension of time fees, and to credit any overpayment, to Deposit Account No. 08-1641, referencing Attorney's Docket No. 41313-1003.

Respectfully submitted,

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